

AFFIDAVIT

I, John P. Armstrong, being duly sworn under oath, depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. Your Affiant is a Special Agent (SA) for the United States Department of Homeland Security (DHS), Homeland Security Investigations (HSI), and have been so employed since March of 2023. HSI is the primary investigative arm of DHS. Your Affiant is currently assigned to the Resident Agent in Charge (RAC) office in Minot, North Dakota. Your Affiant has undergone twenty-six (26) weeks of training in relation to numerous investigative authorities allotted to HSI at the Federal Law Enforcement Training Center (FLETC), to include but not limited to, drug trafficking, money laundering, child sexual abuse material (CSAM), and immigration. Your Affiant has a Bachelor of Arts degree in Philosophy from Texas A&M University.

SUMMARY DESCRIPTION

2. This Affidavit is submitted in support of a Criminal Complaint for Jose Guadalupe LOZANO-Cruz, charging Jose Guadalupe LOZANO-Cruz with Illegal Reentry After Removal, in violation of 8 U.S.C. § 1326(a)(1). The statements in this Affidavit pertain to the investigation described below and are based on your Affiant's own investigation and experience, and the investigation and experience of other law enforcement officers and agencies. This Affidavit does not purport to contain all the facts related to this investigation, but only those facts necessary to establish probable cause with respect to the aforementioned offense.

PROBABLE CAUSE

3. On May 15, 2025, Enforcement and Removal Operations (ERO) Deportation Officer (DO) Dustin Plummer encountered Jose Guadalupe LOZANO-Cruz at the McKenzie County Correctional Facility (MCCF). ERO DO queried immigration databases and determined

that Jose Guadalupe LOZANO-Cruz is a citizen of Mexico with no permission to live, work, or reside in the United States. Jose Guadalupe LOZANO-Cruz admitted in a telephonic interview with DO Plummer that he is a citizen of Mexico with no permission to live, work, or reside in the United States.

4. On May 25, 2025, Jose Guadalupe LOZANO-Cruz was released from the MCCF, ERO DO Plummer arrived at the MCCF, identified himself as an immigration officer confirmed Jose Guadalupe LOZANO-Cruz's identity, placed him under arrest, and transported Jose Guadalupe LOZANO-Cruz to the ERO office in Minot, ND, for administrative processing. ERO DO Plummer confirmed Jose Guadalupe LOZANO-Cruz's identity and immigration history through fingerprint identification in immigration databases.

5. Homeland Security Investigations (HSI) Special Agent (SA) John Armstrong queried immigration databases for Jose Guadalupe LOZANO-Cruz which revealed the following regarding Jose Guadalupe LOZANO-Cruz's immigration history:

- a. On July 24, 2002, Jose Guadalupe LOZANO-Cruz was encountered by United States Border Patrol (USBP) in Ajo, Arizona and granted a Voluntary Return to Mexico.
- b. On February 17, 2005, Jose Guadalupe LOZANO-Cruz was encountered by USBP near Demming, Arizona, and granted a Voluntary Return to Mexico.
- c. On February 18, 2005, Jose Guadalupe LOZANO-Cruz was encountered by USBP near Demming, Arizona, and granted a Voluntary Return to Mexico.
- d. On February 18, 2005, Jose Guadalupe LOZANO-Cruz was encountered by USBP near Yuma, Arizona, and granted a Voluntary Return to Mexico.

- e. On February 19, 2005, Jose Guadalupe LOZANO-Cruz was encountered by USBP near Yuma, Arizona, and granted a Voluntary Return to Mexico.
 - f. On July 20, 2009, Jose Guadalupe LOZANO-Cruz was encountered by USBP near Tucson, Arizona. USBP determined that Jose Guadalupe LOZANO-Cruz had illegally entered the United States from Mexico. On July 21, 2009, USBP issued Jose Guadalupe LOZANO-Cruz a Notice to Appear (NTA), charging Jose Guadalupe LOZANO-Cruz with a violation of 212(a)(6)(A)(i) of the Immigration and Nationality Act (INA), as a noncitizen present in the United States without being admitted or paroled or who arrived in the United States at any time or place other than as designated by the Attorney General.
 - g. On July 21, 2009, Tucson, Arizona, Immigration Court ordered Jose Guadalupe LOZANO-Cruz removed from the United States. Jose Guadalupe LOZANO-Cruz was removed from the United States on July 21, 2009, at Nogales, Arizona.
6. ERO DO Plummer queried Jose Guadalupe LOZANO-Cruz for criminal history and found the following information:
- a. On March 30, 2007, Jose Guadalupe LOZANO-Cruz was arrested by the Arizona Department of Public Safety for Aggravated Driving Under Influence with Passenger Under 15, and Endangerment, both felony offenses. On April 5, 2007, Jose Guadalupe LOZANO-Cruz was found guilty of above offenses and sentenced to 18 months of probation.
 - b. On January 9, 2022, Jose Guadalupe LOZANO-Cruz was arrested by the Midland County Texas Sheriff's Office for Driving While Intoxicated.

- c. On April 24, 2023, Jose Guadalupe LOZANO-Cruz was arrested by the McHenry County North Dakota Sheriff's Office for Driving Under the Influence. The case is pending.
- d. On March 13, 2024, Jose Guadalupe LOZANO-Cruz was arrested by the Watford North Dakota Police Department for Driving Under the Influence. The case is pending.
- e. On May 14, 2025, Jose Guadalupe LOZANO-Cruz was arrested by the Watford North Dakota Police Department for Driving Under the Influence. The case is pending.

7. Jose Guadalupe LOZANO-Cruz was advised of his right to consular notification.

Jose Guadalupe LOZANO-Cruz declined the opportunity to contact the consulate. Jose Guadalupe LOZANO-Cruz is currently in ERO custody being held at Burleigh Morton Detention Center. Immigration databases show no pending or approved applications or petitions with USCIS for Jose Guadalupe LOZANO-Cruz.

CONCLUSION

8. Based on my training and experience, and the foregoing facts, I believe there is probable cause that Jose Guadalupe LOZANO-Cruz is in the United States illegally following prior removal, in violation of 8 U.S.C. § 1326(a)(1) (Illegal Reentry After Removal).

9. I swear that the facts presented herein are true and accurate to the best of my knowledge and belief.

Warrant Request

10. Based on the above-mentioned information, I respectfully request this Court to issue an arrest warrant for Jose Guadalupe LOZANO-Cruz.

Respectfully submitted,

JOHN P

ARMSTRONG

Digitally signed by JOHN P
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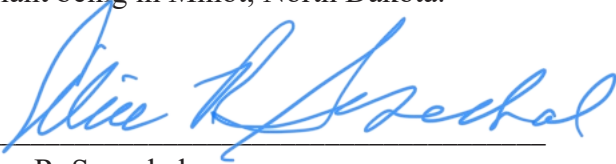
John P. Armstrong

Special Agent

Homeland Security Investigations

Subscribed and sworn to before me on this 5th day of June, 2025, by telephone, with the

Affiant being in Minot, North Dakota.



Alice R. Senechal

United States Magistrate Judge